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TR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/741,597

11/01/96

WIESMAN

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FM-147J

WMD1/1107

IANDIORIO & TESKA  
260 BEAR HILL ROAD  
WALTHAM MA 02154

EXAMINER

GOINS, D

ART UNIT

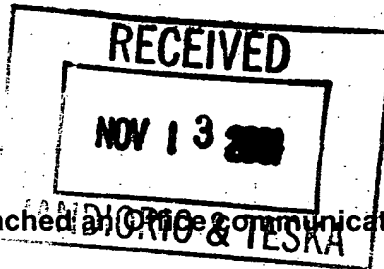
PAPER NUMBER

2632

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DATE MAILED:

11/07/01



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TR

# Office Action Summary

Application No.

08/741,597

Applicant(s)

WIESMAN ET AL.

Examiner

Davetta W. Goins

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2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 38-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 38, 39, 43-50, and 54-62 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 34, 42, and 43 of Wiesman et al. U.S. Patent No. 5,892,430. Although the conflicting claims are not identical, they are not patentably distinct from each other since the claims of the present application are substantially the same as the claims of US Pat. 5,892,430).

3. Claims 40-42, 51-53 and 63-66 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of Wiesman et al. U.S. Patent No. 5,892,430 in view of Abraham (US Pat. 5,559,377).

In reference to claims 40-42 and 63-66, although Wiesman does not specifically disclose the claimed means for inductively coupling, he does disclose the claimed means for reactively coupling including means for coupling the communication signals to the powerline. Abraham discloses the claimed a means for reactively coupling includes means for inductively coupling

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the communication signals to the powerline, which is met by magnetic coil **64** (col. 14 lines 18-29). A coupling **14, 22** include a pair of serial LC circuits in which novel air-core transformers for both transmission and reception which serve as the inductive (L) component of the respective LC circuits (col. 7 lines 1-14). Since both Wiesman and Abraham disclose communicating means to a powerline, it would have been obvious to one of ordinary skill in the art to incorporate a means for inductively coupling the communication signals to the powerline, as disclosed by Abraham, with the device of Wiesman, to function as a simple receiver or transmitter.

In reference to claims 52 and 53, although Wiesman does not specifically disclose the claimed storage device proximate the first location, he does disclose the powerline including a means for transmitting a signal to a remote base station. Abraham discloses a central computer **139** which will issue an addressable command which is transmitted via a master modem **141** and coupler **137** (col. 16 lines 33-47). Since both Weisman and Abraham disclose a means for transmitting signals to a remote location, it would have been obvious to one of ordinary skill in the art to incorporate a storage device proximate the first location, as disclosed by Abraham, with the system of Weisman, to provide a means for easy access for meter reading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 703-306-2761. The examiner can normally be reached on 4-5-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 703-305-4717. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

*D.W.G.*

D.W.G.  
November 1, 2001

Davetta W. Goins  
Art Unit 2632

  
EDWARD LEFKOWITZ  
PRIMARY EXAMINER